

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**In Re: DuPont Teflon Consumer
Class Action Litigation**

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MDL Docket No. _____

**MOTION OF CLASS ACTION PLAINTIFFS FOR COORDINATED OR
CONSOLIDATED PRE-TRIAL PROCEEDINGS IN A SINGLE DISTRICT**

This motion involves a series of class actions filed in jurisdictions across the country which seek relief arising from Defendant E.I. DuPont DeNemours & Company's ("DuPont") wrongful conduct related to the manufacture, advertising and sale for over fifty years of its product commonly known as "Teflon." The plaintiffs contend that cooking products containing DuPont's Teflon can release harmful and dangerous substances, including a chemical that has been determined to be likely to cause cancer in humans.

Pursuant to 28 U.S.C. § 1407 and Rule 10 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, plaintiffs in the action styled Natalie Belmont, Sharon Berenfeld, M.D., Monica Martucci, Nicole M. Suri, Mirna Hormechea, Janet Brill, Ph.D, Sylvia Moss, Lewis Estevez, Melissa Zacharias, Ignacio Martinez, Rick Romash, Briditte Romash, Lillian

Chasin and Carmen Finol v. E.I. DuPont DeNemours & Company, No. 05-21921, U.S.D.C. S.D. Fl. (Gold, J.) (“Movants”), for themselves and on behalf of each of the plaintiffs in the actions identified in the attached Schedule “A” (the “Related Actions”), respectfully move this Panel for an order transferring all related pending actions against DuPont, and any and all additional related actions that may be brought to the attention of the Panel, to the United States District Court for the Southern District of Florida, or another district, which the Panel deems to be the most convenient forum, for coordinated or consolidated pretrial proceedings.

As set forth below and in the accompanying Memorandum of Law, the Related Actions and the other actions referenced herein satisfy the requirements for consolidation or coordination because they concern common questions of fact and consolidation or coordination will serve both efficiency and convenience.

In support of their motion, Movants aver that:

1. Movants are plaintiffs in: Natalie Belmont, Sharon Berenfeld, M.D., Monica Martucci, Nicole M. Suri, Mirna Hormechea, Janet Brill, Ph.D, Sylvia Moss, Lewis Estevez, Melissa Zacharias, Ignacio Martinez, Rick Romash, Briditte Romash, Lillian Chasin and Carmen Finol v. E.I. DuPont DeNemours & Company, No. 05-21921, U.S.D.C. S.D. Fl. (Gold, J.), (“the Florida Action”).

2. Movants have brought the Florida Action seeking to represent a class of Florida citizens under Florida’s consumer protection laws, among other causes of action.

3. Counsel for Movants are aware of the following Related Actions containing substantially the same allegations, seeking substantially the same relief against the same defendant, under the consumer protection or other laws of the state in which the actions were

filed, and involving the same lead counsel in the Florida action as co-counsel in each Related Action:

Kathleen Margay and Dorie Talotta v. E.I. DuPont DeNemours & Company, No. 2:05-CV-4049, U.S.D.C. E.D. Pa. (Katz, J.);

Lisa Howe, Melissa Ochiro, Dianne Walton and Maria Sprowl v. E.I. DuPont DeNemours & Company, No. CV05-5488, U.S.D.C. C.D. Ca. (Pregerson, J.);

Jerry Syntych, Belinda Luquetta, Theresa Scott, Ruth Garcia, Tracey R. Ferguson, John Bums, Monica Ceballos, Kimberly Cowart, Gary Swartz, Maria Quinteros, Ruby Black v. E.I. DuPont DeNemours & Company, No. H 05-2530, U.S.D.C. S.D. Tx. (Werlein, J.);

Susan E. Schnur v. E.I. DuPont DeNemours & Company, No. 1: 05-CV-1818, U.S.D.C. N.D. Oh. (Polster, J.);

Rosemarie Compitello, Jeannie Triolo, Robin Belodoff, Gary Frechter, Gracie Triolo, and Betty Muehlgay v. E.I. DuPont DeNemours & Company, No. 05-CV-6749, U.S.D.C. S.D.NY. (Casey, J.);

Sheldon B Lyke, Dorothy M. Jones and Romuald C. Warkomski v. E.I. DuPont DeNemours & Company, No. 05-CV-4168, U.S.D.C. N.D. Ill. (Aspen, J.);

Constance A. Webb v. E.I. DuPont DeNemours & Company, No. 2:05-CV-72923, U.S.D.C. E.D. Mi. (Edmunds, J.);

Susan R. Yoshioka v. E.I. DuPont DeNemours & Company, No. 05-CV-1440, U.S.D.C. Co. (Figa, J.);

Judy Levin v. E.I. DuPont DeNemours & Company, No. 05-11618-WGY, U.S.D.C. Ma. (Young, J.); and

Heath Hutchison, Sima Granat, Ashley Granat, Kim Kraus, Joseph Bales, Betty Baird, Mike Kessler, Connie Matthews, Tina Stoggsdill, Mary Fritz v. E.I. DuPont DeNemours & Company, No. 4-05-CV-01234-ERW, U.S.D.C. E.D. Mo. (Webber, J.)

Melissa Lee Urch and Claire R. Brown v. E.I. DuPont DeNemours & Company, No. 7: 05-CV-02438 U.S.D.C. S.C. (Harwell, J.)

Each of the Plaintiffs in the foregoing cases listed in Schedule "A" joins in this motion.

4. In addition to the Related Actions, Movants are aware of class actions filed in the Southern District of California captioned Jennifer Hardee v. E.I. DuPont DeNemours &

Company, No. 05-CV-1522, S.D. Cal. (Storms, M.J) and in the Southern District of Iowa captioned Janet R. Luett, Shellie Johnson, Michelle Bridgeman, Wendee Larson, Kari Elbert and Dixie Radkc v. E.I. DuPont DeNemours & Company, No. 4:05-CV-00422, U.S.D.C. S.D. Ia. (Longstaff, J.); which raise substantially the same allegations as those in the Related Actions. Movants' counsel advises the Panel that they are unaware of the Plaintiffs' position on the relief requested in this Motion. These actions are listed in Schedule "B."

5. In each of the actions referenced above, plaintiffs have brought claims against DuPont seeking certification of state-wide classes, alleging, inter alia, that DuPont failed to warn purchasers and users that cooking products containing DuPont's "Teflon" product contained potentially harmful and dangerous substances which can be released when the Teflon-coated cooking products were used for their intended purpose. The complaints (and amended complaints) filed in each of the actions identified in this Motion contain essentially the same allegations concerning the dangerous propensities of Teflon, DuPont's knowledge of those dangerous propensities, its failure to warn purchaser and users of Teflon-coated cooking products of those dangerous propensities, and injury to the class.

6. Discovery conducted in each of the actions proposed for consolidation or coordination will be substantially similar, if not identical, and will involve the same or similar documents and witnesses, since each action arises from the same operative facts related to DuPont's wrongful conduct related to the manufacture, advertising and sale of Teflon-coated cooking products.

7. Absent transfer of all of these cases to a single forum for coordinated and consolidated pretrial proceedings, there is a substantial risk of inconsistent and conflicting pretrial rulings.

8. Transfer of these actions to one District would serve the convenience of the parties and witnesses, and would promote the just and efficient conduct of this litigation.

9. For the reasons set forth in the accompanying Memorandum of Law, which Movants incorporate by reference, Movants submit that, when taking into consideration the relevant factors in selecting an appropriate transferee forum under 28 U.S.C. § 1407 and Rule 10 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, the Southern District of Florida is the district court which is best suited to manage these proceedings.

WHEREFORE, Movants respectfully request that the Judicial Panel on Multidistrict Litigation enter an Order consolidating or coordinating all pretrial proceedings, including but not limited to class certification discovery and hearing, in the actions identified herein, together with any similar actions subsequently filed, to the United States District Court for the Southern District of Florida.

Dated: October 12, 2005

Respectfully submitted,

KLUGER, PERETZ, KAPLAN & BERLIN, P.L.
Attorneys for Movants
Miami Center, Seventeenth Floor
201 South Biscayne Boulevard
Miami, Florida 33131
Telephone: (305) 379-9000
Facsimile: (305) 379-3428

By: 

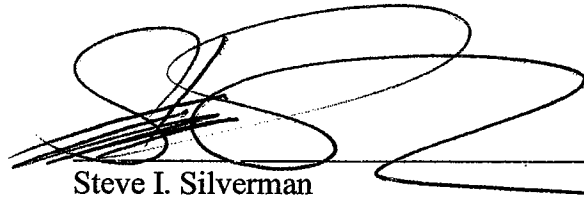
Alan J. Kluger
Fla. Bar No. 200379
akluger@kpkb.com
Steve I. Silverman
Fla. Bar No. 516831
ssilverman@kpkb.com
Stuart R. Silver
Fla. Bar No. 184237
ssilver@kpkb.com

- and -

Oppenheim & Pilelsky, P.A.
2500 Weston Road, Suite 404
Weston, Florida 33331
Roy Oppenheim
Fla. Bar No. 710016
roy@gate.net

CERTIFICATE OF SERVICE

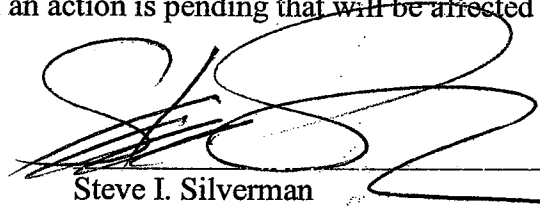
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via U.S. Mail to: **All courts and attorneys of record on the attached Service List**, this 12 of October, 2005.



Steve I. Silverman

CERTIFICATE OF FILING

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed to the clerk of each district court in which an action is pending that will be affected by the Motion.



Steve I. Silverman

Schedule A

Natalie Belmont, Sharon Berenfeld, M.D., Monica Martucci, Nicole M. Suri, Mirna Hornechea, Janet Brill, Ph.D., Sylvia Moss, Lewis Estevez, Melissa Zacharias, Ignacio Martinez, Rick Romash, Briditte Romash, Lillian Chasin and Carmen Finol v. E.I. DuPont DeNemours & Company, No. 05-21921, U.S.D.C. S.D. Fla. (Gold, J.);

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Susan E. Schnur v. E.I. DuPont DeNemours & Company, No. 1: 05-CV-1818, U.S.D.C. N.D. Oh. (Polster, J.);

Rosemarie Compitello, Jeannie Triolo, Robin Belodoff, Gary Frechter, Gracie Triolo, and Betty Muehlgay v. E.I. DuPont DeNemours & Company, No. 05-CV6749, U.S.D.C. S.D.NY. (Casey, J.);

Sheldon B Lyke, Dorothy M. Jones and Romuald C. Warkomski v. E.I. DuPont DeNemours & Company, No. 05-CV-4168, U.S.D.C. N.D. Ill. (Aspen, J.);

Constance A. Webb v. E.I. DuPont DeNemours & Company, No. 2:05-CV-72923, U.S.D.C. E.D. Mi. (Edmunds, J.);

Susan R. Yoshioka v. E.I. DuPont DeNemours & Company, No. 05-CV-1440, U.S.D.C. Co. (Figa, J.);

Judy Levin v. E.I. DuPont DeNemours & Company, No. 05-11618-WGY, U.S.D.C. Ma. (Young, J.);

Heath Hutchison, Sima Granat, Ashley Granat, Kim Kraus, Joseph Bales, Betty Baird, Mike Kessler, Connie Matthews, Tina Stoggsdill, Mary Fritz v. E.I. DuPont DeNemours & Company, No. 4-05-CV-01234-ERW, U.S.D.C. E.D. Mo. (Webber, J.); and

Melissa Lee Urch and Claire R. Brown v. E.I. DuPont DeNemours & Company, No. 7: 05-CV-02438 U.S.D.C. S.C. (Harwell, J.).

Schedule B

**Related Actions Whose Plaintiffs Have Expressed
No Position Regarding the Relief Sought**

Jennifer Hardee v. E.I. DuPont DeNemours & Company, No. 05-CV-1522, S.D. Cal. (Storms, M.J.); and

Janet R. Luett, Shellie Johnson, Michelle Bridgeman, Wendee Larson, Kari Elbert and Dixie Radke v. E.I. DuPont DeNemours & Company, No. 4:05-CV-00422, U.S.D.C. S.D. Ia. (Longstaff, J.).

SERVICE LIST
CLERKS OF COURT

Clerk of the Court
United States District Court -
Central District of California
312 North Spring Street
Los Angeles, CA 90012

Clerk of the Court
United States District Court -
Southern District of Texas
5401 Bob Casey United States
Courthouse
414 Rusk Avenue
Houston, TX 77002

Clerk of the Court
United States District Court -
Northern District of Ohio
801 West Superior Avenue
Cleveland, OH 44113

Clerk of the Court
United States District Court -
Southern District of New York
500 Pearl Street and 40 Centre
Street
New York, NY 10007-1312

Clerk of the Court
United States District Court -
Northern District of Illinois
Everett McKinley Dirksen
Building, 20th Floor
219 South Dearborn Street
Chicago, IL 60604

Clerk of the Court
United States District Court -
Eastern District of Michigan
231 West Lafayette
5th Floor
Detroit, MI 48226

Clerk of the Court
United States District Court -
Colorado
Alfred A. Arraj United States
Courthouse, Room A105
901 19th Street
Denver, CO 80294-3589

Clerk of the Court
United States District Court -
Massachusetts
Suite 200
2 Center Plaza
Boston, MA 02108

Clerk of the Court
United States District Court -
Eastern District of Missouri
111 South 10th Street
Suite 3.300
St. Louis, MO 63102

Clerk of the Court
United States District Court -
South Carolina
Matthew J. Perry Jr.
Courthouse
901 Richland Street
Columbia, SC 29201

Clerk of the Court
United States District Court -
Southern District of California
880 Front Street
Suite 4290
San Diego, CA 92101-8900

Clerk of the Court
United States District Court -
S.D. Iowa
123 East Walnut Street,
Room 300
P.O. Box 9344
Des Moines, IA 50306-9344

Clerk of the Court
United States District Court --
Southern District of Florida
301 North Miami Avenue
Miami, FL 33128

Clerk of the Court
United States District Court
Eastern Dist. of Pennsylvania
601 Market Street,
Room 2609
Philadelphia, PA 19106-1797

SERVICE LIST
PLAINTIFFS' COUNSEL

Andres F. Quintana, Esq. Ervin Cohen & Jessup, LLP 9401 Wilshire Boulevard 9 th Floor Beverly Hills, CA 90212-2974	Harold M. Hewell, Esq. Hewell Law Firm A.P.C. 1901 First Avenue Second Floor San Diego, CA 92102	Timothy R. Beyer, Esq. Brownstein, Hyatt & Farber 410 17 th Street, 22 nd Floor Denver, CO 80202
Roy Oppenheim, Esq. Oppenheim, Pilelsky, PA 2500 Weston Road, Suite 404 Weston, FL. 33331	Carmen D. Caruso, Esq. Schwartz, Cooper Greenberger and Krauss 180 North LaSalle Street Chicago, IL 60601	Tom Shapiro, Esq. Shapiro Haber & Urmey LLP 53 State Street Boston, MA 02109
Michael L. Pitt, Esq. Pitt, Dowty, McGehee, Mirer & Palmer, P.C. 117 West 4 th St., Suite 200 Royal Oak, MI 48067	Gary A. Growe, Esq. Blumenfeld Kaplan & Sandweiss, P.C. 168 North Meramec Avenue St. Louis, MO 63105	Curtis Trinko, Esq. Law Offices of Curtis V. Trinko, LLP 16 West 46 th – 7 th Floor New York, N.Y. 10036
Peter Weinberger, Esq. Spangenberg, Shibley & Liber, LLP 1900 east Ninth Street 2400 National City Center Cleveland, OH 44111-3400	Gary M. Smith, Esq. Graham, McClelland, Ransbottom, Co., LPA 11 North Fourth Street Zanesville, OH 43701	Don Foster, Esq. Klehr, Harison, Harvey, Bransburg & Ellers, LLP 260 South Broad Street Philadelphia, PA 19102
John T. Lay, Esq. Ellis, Lawhorne & Sims, P.A. 1501 Main Street, 5 th Floor Columbia, S.C. 29201	Gary Polland, Esq. Gary Polland & Associates 3411 Richmond Avenue Suite 770 Houston, TX 77046	Alan J. Kluger, Esq. Kluger, Peretz, Kaplan & Berlin, P.L. 201 S. Biscayne Boulevard Miami Center, 17 th Floor Miami, Florida 33131
Kimberley K. Baer, Esq. Wandro & Associates PC 2501 Grand Avenue, Suite B Des Moines, IA 50312		

SERVICE LIST
DEFENDANT'S COUNSEL

Deborah Y Jones, Esq. Weston Benshoof Rochefort Rubalcava & MacCuish 333 S Hope St, 16th Fl Los Angeles, CA 90071-2901	Matthew A Holian, Esq. DLA Piper Rudnick Gray Cary 4365 Executive Drive Suite 1100 San Diego, CA 92121-2133	Kaspar J. Stoffelmayr, Esq. Bartlit, Beck, Herman, Palenchar & Scott- Colorado 1899 Wynkoop Street #800 Denver, CO 80202
James Phillip Dorr, Esq. Wildman, Harrold, Allen & Dixon 225 West Wacker Drive Suite 3000 Chicago, IL 60606-1229	Gretchen Witte Kraemer, Esq. Whitfield & Eddy, PLC 317 Sixth Avenue, Suite 1200 Des Moines, IA 50309	Sara P. Bryant, Esq. Murtha Cullina LLP 99 High Street Boston, MA 02130
Robin G. Weaver, Esq. Squire, Sanders & Dempsey 4900 Key Tower 127 Public Square Cleveland, OH 44114-1304	Eric W. Sitarchuk, Esq. Ballard Spahr Andrews & Ingersoll 1735 MARKET ST 51ST FL Philadelphia, PA 19103-7599	John Smith Wilkerson, III Turner Padget Graham and Laney PO Box 22129 Charleston, SC 29413-2129
Andrew C. Schirmeister III, Esq. Schirmeister Diaz-Arrastia Brem, LLP Pennzoil Place, North Tower 700 Milam, 10 th Floor Houston, TX 77002	Kathleen A. Lang Dickinson Wright (Detroit) 500 Woodward Avenue Suite 4000 Detroit, MI 48226-3425	Alanna C. Rutherford, Esq. Boies, Schiller & Flexner, LLP 570 Lexington Avenue New York, NY 10022
Edward A. Moss Shook Hardy & Bacon 201 S Biscayne Boulevard Suite 2400 Miami, FL 33131-4332		